

[counsel listed on signature page]

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JPMORGAN CHASE BANK, N.A.,

Plaintiff,

v.

KB HOME, *et al.*,

Defendants.

2:08-CV-01711-PMP-RJJ
BASE FILE

**STIPULATION AND
ORDER EXTENDING TIME TO
PRODUCE OTHER LENDER
DISCOVERY AND SETTING DATE
FOR JOINT PROPOSED
DISCOVERY SCHEDULE**

(First Request)

Related Cases:

2:08-CV-01709-PMP-RJJ
2:08-CV-01713-PMP-RJJ
2:08-CV-01714-PMP-RJJ
2:08-CV-01715-PMP-RJJ
2:08-CV-01716-PMP-RJJ
2:08-CV-01717-PMP-RJJ

2:09-CV-01154-PMP-RJJ
2:09-CV-01547-PMP-RJJ
2:09-CV-01548-PMP-RJJ
2:09-CV-01549-PMP-RJJ
2:09-CV-01550-PMP-RJJ
2:09-CV-01551-PMP-RJJ
2:09-CV-01552-PMP-RJJ

Relates To:

All Actions

Pursuant to Local Rules 6-1 and 7-1, plaintiff JPMorgan Chase Bank, N.A. (“JPMorgan”) and defendants Meritage Homes of Nevada, Inc., Meritage Homes Corp., Coleman-Toll Limited Partnership, Toll Brothers, Inc., KB Home, KB Home of Nevada, Inc., Pardee Homes of Nevada, Weyerhaeuser Real Estate Company, Beazer Homes Holding Corp., Beazer Homes USA, Inc., John Ritter, and Focus South Group LLC (collectively, the “Defendants”), by and through their undersigned attorneys, stipulate as follows:

1 1. Pursuant to the Court's October 25, 2010 Order Affirming the Magistrate's Order to
2 Produce Documents in the Possession or Control of the Other Lenders (the "Order," ECF# 366), the
3 deadline for JPMorgan to produce the requested non-privileged, responsive documents ("Lender
4 Discovery") is Monday, November 15, 2010.

5 2. Pursuant to Local Rule 6-1, this is the first request to extend the Order's November 15,
6 2010 deadline.

7 3. Counsel for all parties conferred over the phone or by email between November 10
8 and 11 regarding the November 15, 2010 deadline.

9 4. It is hereby stipulated and agreed by and between the undersigned counsel for the
10 parties that:

- 11 a. JPMorgan requires more time to produce Lender Discovery due to the number of
12 lenders and anticipated volume of documents;
13 b. JPMorgan anticipates substantially completing production by December 31, 2010;
14 c. JPMorgan will notify the Court and the defendants when such production is
15 complete; and
16 d. Fourteen (14) calendar days thereafter, the parties will jointly submit a revised
17 proposed discovery schedule for the Court's approval.

18 5. The parties respectfully submit that good cause exists to modify the Order because
19 JPMorgan cannot complete its production of Lender Discovery by November 15, 2010
20 notwithstanding the following efforts JPMorgan has made since the Order was issued:

- 21 a. JPMorgan has communicated with all relevant lenders, informed them of the Order
22 and the Court's deadline, and requested that the lenders promptly begin the process
23 of collecting and gathering responsive documents.

- 1 b. Certain lenders may require, and one has already required, that JPMorgan issue a
2 Rule 45 subpoena to obtain the requested documents;
3 c. By November 8, 2010, only five lenders were able to provide their potentially
4 responsive documents to JPMorgan. These documents are being reviewed for
5 responsiveness and privilege, and will be produced soon.
6 d. At least 20 lenders have informed JPMorgan that they will not be able to provide
7 documents to JPMorgan until close to or after the November 15, 2010 deadline.
8 JPMorgan is still working with the remaining lenders to determine when they
9 estimate being able to complete the collection and review process.
10

11 6. JPMorgan estimates, based on the volume of documents received so far, that it may
12 receive close to 250,000 pages of documents once all lenders complete their collection. Even if
13 JPMorgan had documents from all lenders today, it could not review and produce this volume of
14 documents by November 15, 2010. JPMorgan estimates such a review could take until the end of
15 December, 2010 to complete, assuming lenders complete their production to JPMorgan by November
16 19, 2010.
17

18 7. As a result of the foregoing, it is hereby stipulated and agreed by and between the
19 undersigned counsel for the parties that good cause exists to extend the November 15, 2010 deadline
20 to comply with the Order to provide JPMorgan with more time to produce Lender Discovery, and that
21 JPMorgan will notify the Court and the defendants when such production is complete. It is further
22 stipulated and agreed that fourteen (14) calendar days following such notice, the parties will jointly
23 submit a revised proposed discovery scheduling order for the Court's consideration.
24

25 Dated: November 12, 2010
26
27
28

By: /s/ Andrew J. Detherage
 Andrew J. Detherage
 Karoline E. Jackson
 BARNES & THORNBURG LLP
 11 S. Meridian Street
 Indianapolis, Indiana 46204
 Tel: (317) 236-1313
 Fax: (317) 231-7433
 Andy.Detherage@btlaw.com

Megan K. Dorsey
 KOELLER, NEBEKER, CARLSON, &
 HALUCK, LLP
 300 S. 4th St., # 500
 Las Vegas, Nevada 89101
 Tel: (702) 853-5500
 Fax: (702) 853-5599

*Counsel for Defendants Beazer Homes
 Holdings Corp. and Beazer Homes USA,
 Inc.*

By: /s/ James E. Hough
 James E. Hough
 MORRISON & FOERSTER LLP
 1290 Avenue of the Americas
 New York, New York 10104-0050
 Tel.: (212) 468-8000
 Fax: (212) 468-7900
 jhough@mofo.com

Jeffrey R. Sylvester
 SYLVESTER & POLEDNAK, LTD.
 7371 Prairie Falcon Road, Suite 120
 Las Vegas, Nevada 89128
 Tel.: (702) 952-5200
 Fax: (702) 952-5205
 jeff@sylvesterpolednak.com

*Counsel for Plaintiff JPMorgan Chase
 Bank, N.A.*

By: /s/ Bruce E. Van Dalsem
 Bruce E. Van Dalsem
 Michael T. Lifrak
 QUINN EMANUEL URQUHART &
 SULLIVAN, LLP
 865 S. Figueroa Street, 10th Floor
 Los Angeles, California 90017
 Tel: (213) 443-3000
 Fax: (213) 443-3100
 brucevandalsem@quinnemanuel.com

Donald Lattin
 MAUPIN OATS COX & LEGOY, PC
 4785 Caughlin Pkwy
 Reno, Nevada 89509
 Tel: (775) 827-2000

*Counsel for Defendants KB Home and
 KB Home Nevada, Inc.*

By: /s/ Mark T. Dooks
 Mark T. Dooks
 Thomas V. Reichert
 Benjamin D. Lichtman
 BIRD, MARELLA, BOXER,
 WOLPERT, NESSIM, DROOKS &
 LINCENBERG, P.C.
 1875 Century Park East
 Los Angeles, California 90067
 Tel: (310) 201-2100
 Fax: (310) 301-2110
 mtd@birdmarella.com

Donald Lattin
 MAUPIN OATS COX & LEGOY, PC
 4785 Caughlin Pkwy
 Reno, Nevada 89509
 Tel: (775) 827-2000

*Counsel Defendants Coleman-Toll
 Limited Partnership and Toll Brothers,
 Inc.*

By: /s/ Douglas C. Northup
Douglas C. Northup
FENNEMORE CRAIG, P.C.
300 South Fourth Street, #1400
Las Vegas, Nevada 89101
Tel: (702) 692-8000
Fax: (702) 692-8099
dnorthup@fclaw.com

*Counsel for Defendants Meritage
Homes of Nevada, Inc. and Meritage
Homes Corp.*

By: /s/ Fredric C. Nelson
Fredric C. Nelson (CA SBN 48402)
John R. Foote (CA SBN 99674)
NIXON PEABODY LLP
One Embarcadero Center, 18th Floor
San Francisco, California 94111
Tel: (415) 984-8200
Fax: (415) 984-8300
fnelson@nixonpeabody.com

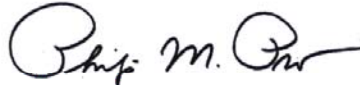
Pat Lundvall (NSBN 3761)
MCDONALD CARANO WILSON LLP
2300 West Sahara Avenue,
Suite 1000
Las Vegas, Nevada 89102
Tel: (702) 873-4100
Fax: (702) 873-9966

*Counsel for Defendants Pardee
Homes of Nevada and
Weyerhaeuser Real Estate Company*

By: /s/ Charles M. Vlastic III
Charles M. Vlastic III (NSBN 11308)
BOGATZ & ASSOCIATES, P.C.
3455 Cliff Shadows Pkwy., Suite 110
Las Vegas, Nevada 89129
Tel: (702) 776-7000
Fax: (702) 776-7900
cvlastic@isbnnv.com

*Counsel for Defendant John A. Ritter,
Defendant and Counterdefendant Focus
South Group, LLC*

PURSUANT TO THE FOREGOING STIPULATION, IT IS SO
ORDERED:

By: 
PHILIP M. PRO, UNITED STATES DISTRICT JUDGE
Dated: November 15, 2010